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901criapln2682.24

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CRIMINAL APPLICATION NO. 2682 OF 2024
IN APEAL/595/2024**

JAFAR ALI KHAN MAHEMOOD KHAN PATHAN

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. Akram Inamdar Advocate h/f Adv. S. S. Kazi, Advocate for
the applicant

Mr. R. P. Mote, Advocate for the respondent No.2

Mr. G. O. Wattamwar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th AUGUST, 2024

P. C.

1. Heard the parties.

2. This application is for suspension of sentence imposed by the learned Additional Sessions Judge, Nanded in Special Atrocity Case No.17/2015 for the offences punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 499 & 500 of

the Indian Penal Code. The applicant is sentenced to suffer simple imprisonment for six months and to pay fine of Rs.50,000/-, in default to suffer simple imprisonment for six months for each of the offences.

3. Learned advocate for the applicant submits that the sentence is short sentence. The appeal is not likely to be heard in near future. He, thus, prayed for suspension of substantive sentence. It is further pointed out that amount of fine is already deposited on 15-05-2024 and on that day substantive sentence is also suspended.

4. Learned advocate for respondent No.2 vehemently opposed the application stating that it is serious offence under the Atrocities Act. Though the amount of fine is paid, it may not be the ground to suspend the sentence.

5. Learned APP also opposed the application.

6. However, substantive sentence is of only six months, fine amount is already paid in view of the same, this court is inclined to allow the application. Hence, the following order:-

ORDER

a] The application stands allowed in terms of prayer clause-B.

b] The substantive sentence of the applicant shall stand suspended during pendency of the appeal.

c] The applicant shall be released on bail on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand Only] with one solvent surety in the like amount on following conditions:-

i] The applicant shall keep informed about the contact details such as residential address and mobile number and in case there is change, same shall be informed to the concerned police station immediately.

d] With this, the application stands disposed off.

[KISHORE C. SANT, J.]